

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RSI CORP., dba RESPONSIVE SYSTEMS  
COMPANY, a New Jersey corporation,

Plaintiff,

vs.

INTERNATIONAL BUSINESS MACHINES  
CORPORATION, a New York corporation;  
and DOE DEFENDANTS 1-20,

Defendants.

Case No. C-08-03414 RMW

**ORDER RE DISCOVERY DISPUTE 2 & 3**

[Re Docket Nos. 272, 273]

The court orders as follows:

1. IBM's request for an order requiring RSI "produce documents and allow testimony regarding its negotiations with Computer Associates" is DENIED;
2. RSI has represented that it "will conduct a reasonable search in response to IBM's request [about documents related to payments to Folium] and will produce any relevant, non-privileged responsive documents." The court orders RSI to do so by March 1, 2013.
3. RSI's request for production of IBM's litigation-related document retention notice(s) is DENIED.

1 4. IBM has represented that "it has conducted a reasonable search but has not located  
2 any audit-related . . . document retention notice." Therefore, RSI's request for  
3 an order that IBM produce such documents is DENIED as moot.

4 5. IBM has represented that it will "undertake a reasonable search for the  
5 document(s) referred to by IBM's witness in a recent 30(b)(6) deposition" with  
6 regard to pricing documents and that it has already produced some of these  
7 documents. The court orders IBM to complete its search and produce any  
8 relevant, non-privileged responsive documents by March 1, 2013.

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11 Dated: February 14, 2013

  
Ronald M. Whyte  
United States District Court Judge